

Votes of confidence/investiture as conditions for formation of minority governments in the European Parliamentary Democracies: a statistical cut

Political theory and practice show that parliamentary democracies, including in Europe, independently or almost independently of the forms and systems of government that they are implementing, are divided into systems of positive and negative parliamentarism. An indicator of the dichotomy is presence (constitutionally provided) or absence (constitutionally unprovided) of the vote of confidence/investiture in expected/hypothetical government. It actualizes the issue of the influence of vote of confidence/investiture on the formation of minority governments (and other types of governments) in the European parliamentary democracies. Accordingly, the article is dedicated to analyzing the institute of vote of confidence/investiture and statistical outlining its impact on the formation of minority government in European parliamentary democracies. It is argued that the presence or absence of votes of confidence/investiture and their combinations and procedural patterns affect the frequency of formation of minority governments in different ways. Among such patterns there are the following: participation or non-participation of parliament in the procedure of vote of confidence/investiture and formation of government (presence or absence of vote of investiture); type of parliamentary vote of confidence/investiture («ex ante» or «ex post»); the rule of deciding on a parliamentary vote of confidence/investiture in a government (by absolute, relative or negative parliamentary majority); permissible number of formateurs or alternatives of governments for parliamentary vote of investiture; the right to nominate prime ministers/formateurs or alternatives of governments; the number of attempts to obtain a parliamentary vote of confidence/investiture; consequence of the failure to get vote of confidence/investiture. As a consequence, checking the correlation between the various patterns of votes of investiture and the frequency of formation of minority governments generally shows that the institutional design of votes investiture mostly and averaging does not affect the frequency of formation of minority governments, although some patterns of votes of investiture are decisive.

Keywords: government, minority government, parliamentary democracy, vote of confidence/investiture.

ВОТУМИ ДОВІРИ/ІНВЕСТИТУРИ ЯК УМОВИ ФОРМУВАННЯ УРЯДІВ МЕНШОСТІ У ЄВРОПЕЙСЬКИХ ПАРЛАМЕНТСЬКИХ ДЕМОКРАТІЯХ: СТАТИСТИЧНИЙ ЗРІЗ

Проаналізовано інститут вотуму довіри/інвеститури і статистично окреслено його вплив на формування урядових кабінетів меншості у європейських парламентських демократіях. Аргументовано, що наявність чи відсутність вотумів довіри/інвеститури і їхні комбінації та процедурні патерни по-різному впливають на частоту формування урядів меншості. Зокрема, перевірка кореляції різних патернів вотумів інвеститури та частоти формування урядів меншості узагальнено демонструє, що інституційний дизайн вотумів довіри/інвеститури здебільшого усереднено не впливає на частоту формування урядів меншості, хоч окремі патерни вотумів довіри/інвеститури у цьому контексті є визначальними.

Ключові слова: уряд, уряд меншості, парламентська демократія, вотум довіри/інвеститури.

Political theory and practice prove that parliamentary democracies, including those in Europe, independently or almost independently of the forms and systems of government actualized in them are divided into the systems of positive and negative parliamentarism. An indicator of such dichotomy is the presence (constitutionally provided) or absence (constitutionally unprovided) of the vote of confidence/investiture in expected/hypothetical governments. Herewith, the votes of confidence/investiture are distinguished first of all on the basis of the fact whether voting for government formation is constitutionally conditioned and presupposed, what is especially actual from the perspective of minority government formation. Moreover, the rules of government formation differ on the basis of the procedural features of gaining vote of confidence/investiture by the cabinets on the part of legislature: in the format of absolute, relative or negative majority. Finally, the vote of confidence/investiture in governments is important with a glance to their subject and the stage of government-forming processes they are actualized at. In general it raises the problem of influence of the vote of confidence/investiture on the formation of minority governments in European parliamentary democracies.

It can be traced in reliance on theoretical-methodological and empirical results of research by T. Bergman¹, D. Diermeier, H. Eraslan and A. Merlo², J. Druckman and M. Theis³, T. Lou-

¹ T. Bergman, W. Müller, K. Strøm, M. Blomgren, *Democratic delegation and accountability: cross-national patterns*, [w:] K. Strøm, W. Müller, T. Bergman (eds.), *Delegation and Accountability in Parliamentary Democracies*, Wyd. Oxford University Press 2003, s. 109–220.; T. Bergman, *Formation Rules and Minority Governments*, "European Journal of Political Research" 1993, vol 23, nr. 1, s. 55–66.

² D. Diermeier, H. Eraslan, A. Merlo, *Bicameralism and Government Formation*, "PIER Working Paper Archive" 2007, nr. 07–010.

³ J. Druckman, M. Theis, *The Importance of Concurrence: The Impact of Bicameralism on Government Formation and Duration*, "American Journal of Political Science" 2002, vol 46, nr. 4, s. 760–771.

werse⁴, A. Lupia⁵, C. Nikolenyi⁶, U. Sieberer⁷, K. Strom, W. Muller and D. Smith⁸, J. Huber⁹, G. Tsebelis and J. Money¹⁰, J. Cheibub, S. Martin and B. Rasch¹¹ and many others. However, we argue that the statistical review of influence of votes of confidence/investiture on minority governments formation in European parliamentary democracies is poorly researched and thus it becomes the aim of the current paper.

Appealing to modern scientific literature, while solving the operating objective, as well as taking into account institutional-electoral patterns of minority government formation and specification of votes of confidence/investiture in European parliamentary democracies we distinguish several distinctive parameters of classification of attributes of parliamentary votes of investiture in governments and compare them with the frequency of minority government formation within the European systems of positive and negative parliamentarism (or in general in European parliamentary democracies) over 1944–2016. We propose to consider a range of basic markers of parliamentary votes of confidence/investiture in European parliamentary democracies over the defined time period (see Table 1) and their (each one separately) total correlation with the frequency of minority government formation as to all (party and non-party) governmental cabinets (see Table 2).

First of all, it is necessary to take into consideration the simplest distinction of parliamentary votes of confidence/investiture, elaborated by K. Strom, W. Muller and D. Smith, the essence of which reduces to distinguishing the systems of positive and negative parliamentarism among European democracies, in which are present (constitutionally provided) or absent (constitutionally unprovided) parliamentary votes of confidence/investiture in governments¹². Thus, it is proposed to take into account the fact whether the parliament or leading chamber of the parliament (sometimes, as in Italy and Romania, two chambers of bicameral

⁴ T. Louwse, *Unpacking “positive” and “negative” parliamentarism*, Paper presented at the workshop “The Evolution of Parliamentarism and Its Political Consequences” of the European Consortium of Political Research, Salamanca, April 10–15, 2014, 18 s.

⁵ A. Lupia, *Delegation and its Perils*, [w:] K. Strom, W. Müller, T. Bergman (ed.), *Delegation and Accountability in Parliamentary Democracies*, Wyd. Oxford University Press 2003, s. 33–54.

⁶ C. Nikolenyi, *The Impact of Government Formation Rules in Four Post-Communist Democracies*, Paper prepared for delivery at the World Congress of the International Political Science Association in Fukuoka, July 10, 2006, 23 s.

⁷ U. Sieberer, *Live or Fire? The link between cabinet selection and removal in European Democracies*, Wyd. University of Konstanz, 2012.

⁸ K. Strom, *Delegation and Accountability in Parliamentary Democracies*, “European Journal of Political Research” 2000, vol 37, nr. 3, s. 261–289.; K. Strom, W. Müller, D. Smith, *Parliamentary Control of Coalition Governments*, “Annual Review of Political Science” 2010, vol 13, nr. 1, s. 517–535.; K. Strom, *Parliamentary democracy and delegation*, [w:] K. Strom, W. Müller, T. Bergman (eds.), *Delegation and Accountability in Parliamentary Democracies*, Wyd. Oxford University Press 2006, s. 55–108.

⁹ J. Huber, *The Vote of Confidence in Parliamentary Democracies*, “American Political Science Review” 1996, vol 90, nr. 2, s. 269–282.

¹⁰ G. Tsebelis, J. Money, *Bicameralism*, Wyd. Cambridge University Press 1997.

¹¹ J. Cheibub, S. Martin, B. Rasch, *Investiture Vote and the Formation of Minority Parliamentary Governments*, Paper presented at the workshop on “The Importance of Constitutions: Parliamentarism, Representation, and Voting Rights”, Istanbul, October 23–25, 2013, 25 s.; J. Cheibub, S. Martin, B. Rasch, *To Invest or Not to Invest? Modes of Government Selection in Parliamentary Democracies and their Origins*, Paper prepared for presentation at the workshop on “The Evolution of Parliamentarism and Its Political Consequences”, ECPR Joint Sessions of Workshops, Salamanca, April 10–15, 2014, 44 s.; B. Rasch, *Institutional Foundations of Legislative Agenda-Setting*, [w:] S. Martin, T. Saalfeld, K. Strom (eds.), *The Oxford Handbook of Legislative Studies*, Wyd. Oxford University Press 2014, s. 455–480.; B. Rasch, S. Martin, J. Cheibub, N. Ajenjo, *Parliaments and Government Formation: Unpacking Investiture Rules*, Wyd. University of Oslo 2015.; B. Rasch, *The vote of investiture in parliaments: types, origin, causes and political consequences*, Proposal for the ECPR Research Sessions, EUI Florence, June 19–22, 2012.

¹² K. Strom, W. Müller, D. Smith, *Parliamentary Control of Coalition Governments*, “Annual Review of Political Science” 2010, vol 13, nr. 1, s. 517–535.

parliament)¹³ participates in the procedure of vote of confidence/investiture in government formation. Such distinction is principal, as it argues that parliaments' (positive and negative) votes of confidence/investiture in governmental cabinets are peculiar not only of all systems of positive parliamentarianism in Europe, but also even of some systems of negative parliamentarianism in Europe (in particular in Portugal and Sweden). This means that the presence or absence of any type of parliamentary vote of confidence/investiture should not be regarded as a direct conclusion of the type of parliamentary democracy, both positive or negative parliamentarianism, though in case of negative parliamentarianism parliaments' votes of confidence/investiture in governments are not usually found. On the contrary, there are some evidence of the systems of positive or negative parliamentarianism like a combination of factors: a) absence or presence of parliamentary votes of confidence/investiture in governments; b) in case of presence of votes of confidence/investiture in governments – their procedure-distinctive attributes. In the context of minority governments in European parliamentary democracies such conclusion is rather valuable, as it argues that minority governments are formed with the same frequency in the systems, where parliamentary votes of investiture in governmental cabinets are constitutionally provided (30,1%) and constitutionally unprovided (28,7%). At the same time, in European systems of negative parliamentarianism minority governments are formed more often in those countries where parliamentary (though negative) votes of confidence/investiture in governments (Portugal, Sweden) are regularized, than in the countries, where parliamentary votes of confidence/investiture are not regularized (in particular Austria, Denmark, Iceland, Luxembourg, the Netherlands, Norway, Finland, France and the United Kingdom). Quite interesting is the fact that the frequency of minority government formation under condition of parliamentary votes of confidence/investiture is higher in the systems of negative (54,7%) and not positive (27,0%) parliamentarianism (regardless whether in Western (22,5%) or Central-Eastern (29,7%) Europe).

Secondly, it is necessary to take into account procedure-distinctive attributes of parliamentary votes of confidence/investiture in governments, especially the stage of government-forming process or inter-party negotiations at which the voting for confidence/investiture in governmental cabinet takes place. The point is that the vote of investiture in government can be actualized at the beginning of negotiations over government formation or nominally at the end of such negotiations (if they are to be successful). Thus, as scientists state, it is possible to distinguish advanced ("ex ante") and subsequent ("ex post") variants of the vote of investiture¹⁴. In the first case we speak of a political (political-legal) act, by means of which the parliament or leading

¹³ J. Druckman, M. Theis, *The Importance of Concurrence: The Impact of Bicameralism on Government Formation and Duration*, "American Journal of Political Science" 2002, vol 46, nr. 4, s. 760–771.

¹⁴ J. Cheibub, S. Martin, B. Rasch, *Investiture Vote and the Formation of Minority Parliamentary Governments*, Paper presented at the workshop on "The Importance of Constitutions: Parliamentarism, Representation, and Voting Rights", Istanbul, October 23–25, 2013, 25 s.; A. Lupia, *Delegation and its Perils*, [w:] K. Strom, W. Müller, T. Bergman (ed.), *Delegation and Accountability in Parliamentary Democracies*, Wyd. Oxford University Press 2003, s. 33–54.; K. Strom, *Parliamentary democracy and delegation*, [w:] K. Strom, W. Müller, T. Bergman (eds.), *Delegation and Accountability in Parliamentary Democracies*, Wyd. Oxford University Press 2006, s. 55–108.

chamber of the parliament elects or reelects the way of formation of the expected (hypothetical) governmental cabinet. Consequently, in case of the advanced vote of confidence/investiture a large part of government-forming negotiation process, in particular what concerns structuring of the government's political platform and division of ministerial posts between parties, takes place immediately after receiving the vote of investiture by the government. However, taking into account the subsequent vote of confidence/investiture we speak of approbation of the procedure, in according to which the expected (hypothetical) governmental cabinet and its composition (and also predominantly the government's political program) are tested for the status quo and support of the parliament or leading chamber of the parliament. In fact we are referring to the scenario of a "factual" vote of confidence/investiture in the governmental cabinet, when deputies of the parliament or its leading chamber check the support of the prime-minister, composition of the government and/or its program.

Table 1. Peculiarities of parliamentary votes of confidence/investiture in European systems of positive and negative parliamentarism and their correlation with number/frequency of minority government formation (1944–2016)¹⁵

Country	Number (frequency) of minority governmental cabinets	Participation of parliament in vote of confidence/investiture and government formation	Tolerance: quantity of forming bodies or alternatives to governments for investiture	Right to nominate prime-ministers/ forming bodies or alternatives to governments	Number of attempts to get parliamentary vote of confidence/investiture	Type of parliamentary vote of confidence/investiture	Rules to adopt decision as to parliamentary vote of confidence/investiture	Effect of failure to get parliamentary vote of confidence/investiture
1	2	3	4	5	6	7	8	9
SYSTEMS OF POSITIVE PARLIAMENTARISM IN WESTERN EUROPEAN COUNTRIES								
Belgium (1946–1994)	7/46 (15.2)	Yes	1	Head of the state	Unprovided	Subsequent	Absolute majority	New attempt
Belgium (since 1994)		Yes	1	Head of the state	Unprovided	Subsequent	Absolute majority	New attempt
Greece (1974–2001)	2/24 (8.3)	Yes	1	Head of the state, Party groups	Unprovided	Advanced	Relative majority	Dissolution of parliament
Greece (since 2001)		Yes	1	Party groups	Unprovided	Advanced	Relative majority	Dissolution of parliament
Ireland (since 1944)	13/27 (48.1)	Yes	1	Parliament, head of the state	Unprovided	Advanced + subsequent	Relative majority	New attempt
Spain (since 1977)	1/15 (7.3)	Yes	1	Head of the state, speaker of the parliament	Unprovided	Advanced	Absolute majority/ Relative majority	New attempt/ Dissolution of parliament
Italy (since 1946)	26/66 (39.4)	Yes	1	Head of the state	Unprovided	Subsequent	Relative majority	New attempt
Malta (since 1962)	1/15 (6.7)	Yes	1	Head of the state	Unprovided	Advanced	Absolute majority	New attempt
Germany (since 1949)	0/25 (0.0)	Yes	>1	Head of the state, 25% of deputies, party groups	3	Advanced	Absolute majority/ Relative majority	Government under head of state or dissolution of chamber
Finland (since 2000)	0/10 (0.0)	Yes	>1	Parliament, head of the state	3	Advanced	Relative majority	Government formation
France (1946–1958)	3/26 (11.5)	Yes	1	Head of the state	Unprovided	Advanced	Absolute majority	Dissolution of parliament
SYSTEMS OF POSITIVE PARLIAMENTARISM IN CENTRAL–EASTERN EUROPEAN COUNTRIES								
Bulgaria (since 1990)	5/73 (28.5)	Yes	1	Head of the state, party groups	3	Advanced + subsequent	Relative majority	Provisional government + dissolution of parliament
Estonia (since 1992)	4/16 (25.0)	Yes	>1	Head of the state, parliament	3	Advanced	Relative majority	Dissolution of parliament
Latvia (since 1990)	9/24 (37.5)	Yes	1	Head of the state	Unprovided	Subsequent	Relative majority	New attempt
Lithuania (since 1990)	6/19 (31.6)	Yes	1	Head of the state	Unprovided	Advanced + subsequent	Relative majority	Unprovided
Poland (1989–1992)	3/5 (60.0)	Yes	1	Parliament	Unprovided	Advanced	Absolute majority	Unprovided
Poland (1992–1997)	0/4 (0.0)	Yes	1	Head of the state, parliament	4	Subsequent	Absolute majority/ Relative majority	Dissolution of parliament/ Provisional government

¹⁵ Frequency analysis of minority governments – in relation to party and non-party governments. The analysis comprises temporary in charge governmental cabinets. The table is made up on the basis of existing statistical data and national constitutions.

Table 1 continuation

1	2	3	4	5	6	7	8	9	
Poland (since 1997)	3/12 (25.0)	Yes	>1	Head of the state parliament, 10% of deputies	3	Subsequent	Relative majority	Dissolution of parliament	
Romania (since 1990)	14/22 (63.6)	Yes	1	Head of the state	2	Subsequent	Relative majority	Dissolution of parliament	
Serbia (since 2007)	0/5 (0.0)	Yes	1	Head of the state	Unprovided	Subsequent	Absolute majority	Dissolution of parliament	
Slovakia (1990–1999)	6/17 (35.3)	Yes	1	Head of the state	3	Subsequent	Relative majority	Dissolution of parliament	
Slovakia (since 1999)	4/16 (25.0)	Yes	1	Head of the state	3	Subsequent	Relative majority	Dissolution of parliament	
Slovenia (since 1990)	4/16 (25.0)	Yes	1 > 1	Head of the state, party groups, 10 deputies	3	Advanced	Absolute majority/ Relative majority	Dissolution of parliament	
Hungary (1990–2011)	2/11 (18.2)	Yes	1	Head of the state	Unprovided	Advanced + subsequent	Absolute majority	New attempt	
Hungary (since 2011)	6/11 (54.5)	Yes	1	Head of the state	Unprovided	Subsequent	Absolute majority	New attempt	
Croatia (since 2000)	5/16 (31.3)	Yes	1	Head of the state	Unprovided	Subsequent	Relative majority	Provisional government + dissolution of parliament	
Czech Republic (1990–2013)	5/16 (31.3)	Yes	1	Head of the state	3	Subsequent	Relative majority	Government under head of state accepted by the speaker of parliament or dissolution of parliament	
Czech Republic (since 2013)	0/5 (0.0)	Yes	1	Head of the state	3	Subsequent	Relative majority	Dissolution of parliament	
Montenegro (since 2006)	0/5 (0.0)	Yes	1	Head of the state	Unprovided	Subsequent	Absolute majority	New attempt	
SYSTEMS OF NEGATIVE PARLIAMENTARISM IN WESTERN EUROPEAN COUNTRIES									
Austria (since 1945)	2/34 (5.9)	No	–	Head of the state	–	–	–	–	
Denmark (1945–1953)	36/39 (92.3)	No	–	Head of the state	–	–	–	–	
Denmark (since 1953)	6/33 (18.2)	No	–	Head of the state	–	–	–	–	
Iceland (since 1946)	0/21 (0.0)	No	–	Head of the state	–	–	–	–	
Luxembourg (since 1945)	8/32 (25.0)	No	–	Head of the state	–	–	–	–	
The Netherlands (1946–1983)	20/31 (64.5)	No	–	Head of the state	–	–	–	–	
The Netherlands (since 1983)	4/10 (40.0)	No	–	Head of the state	–	–	–	–	
Norway (1945–2006)	7/14 (50.0)	Yes	1	Head of the state	3	Subsequent	Negative majority	Dissolution of parliament	
Norway (since 2006)	3/26 (11.5)	Yes	1	Head of the state	Unprovided	Subsequent	Negative majority	New attempt	
Portugal (1975–1982)	9/44 (20.5)	No	–	Head of the state	–	–	–	–	
Portugal (since 1982)	8/39 (20.5)	No	–	Head of the state	–	–	–	–	
The United Kingdom (since 1945)	23/31 (74.2)	Yes	1	Head of the state	4	Advanced	Negative majority	Dissolution of parliament	
The United Kingdom (before 2000)	8/29 (27.5)	No	–	Head of the state	–	–	–	–	
Finland (before 2000)	8/29 (27.5)	No	–	Head of the state	–	–	–	–	
France (since 1958)	23/31 (74.2)	Yes	1	Speaker of the parliament	4	Advanced	Negative majority	Dissolution of parliament	
Sweden (since 1944)	23/31 (74.2)	Yes	1	Speaker of the parliament	4	Advanced	Negative majority	Dissolution of parliament	

Źródło: H. Döring, P. Manow, *Parliaments and governments database (ParlGov): information on parties, elections and cabinets in modern democracies: Experimental version*, źródło: <http://www.parlgov.org/> [odczyt: 01.06.2017]

As many scientists¹⁶ state an advanced type of vote of investiture is more flexible, as the parliament or its leading chamber have several “implicit” variants/alternatives for the expected/hypothetical governmental cabinets. In this case there is a higher possibility of forming minority cabinets, especially in those countries, where there is no confidence in majority government formation. Though, on the other hand, namely advanced votes of confidence/investiture are more longstanding, and thus make an artificial obstacle in the way of minority government formation.

The situation becomes more complicated due to those European parliamentary democracies, where exists the combination of advanced and subsequent votes of confidence/investiture in governments. As a rule they are characterized by a staged manner, as at first they apply the advanced vote of confidence/investiture to confirm a candidacy for a post of the prime-minister (forming body) and/or personal composition of the government and later use the subsequent vote of confidence to approve the political program of the government (or a political program and personal composition of the government). The examples of such combination of two types of votes of investiture among European parliamentary democracies are Ireland, Bulgaria, Lithuania and Hungary (exclusively systems of positive parliamentarism). The frequency of minority government formation in such systems is rather high (36,7 %), though it is limited by a small number of instances of minority governments. Among all European parliamentary democracies minority cabinets are the most frequently formed as a result of a combination of advanced and subsequent votes of confidence/investiture (36,7 %), less commonly as a result of applying subsequent votes of confidence/investiture (30,9 %) and most rarely in case of using advanced votes of confidence/investiture (27,3 %). But the conclusion is not performed in case of some groups of parliamentary democracies. Thus, in systems of positive parliamentarism in Western Europe minority governments are the most frequent when the advanced and subsequent votes of investiture are combined (Ireland – 46,2 %), less frequent – in case of applying the subsequent vote of investiture (Belgium, Italy – 29,7 %), the least commonly used – when the advanced vote of investiture is applied (Greece, Spain, Malta, Germany, Finland (since 2000), France (in 1945–1958) – 12,7 %). Another situation is observed within the systems of positive parliamentarism in Central-Eastern Europe: the most common are cases of the subsequent vote of investiture (Latvia, Poland since 1992, Romania, Serbia, Slovakia, Croatia, Montenegro, the Czech Republic – 37,4 %), less common are cases of the advanced vote of investiture (Estonia, Poland 1989-1992m Slovenia – 31,4 %), the least frequent are cases when the advanced and subsequent votes of investiture are combined (Bulgaria, Lithuania, Hungary – 31 %). In general, the situation in European systems of positive parliamentarism and all parliamentary democracies follows the logics of the countries with positive parliamentarism in Western Europe. A bit different are the systems of negative parliamentarism where the

¹⁶ J. Cheibub, S. Martin, B. Rasch, *Investiture Vote and the Formation of Minority Parliamentary Governments*, Paper presented at the workshop on “The Importance of Constitutions: Parliamentarism, Representation, and Voting Rights”, Istanbul, October 23–25, 2013, 25 s.; T. Romer, H. Rosenthal, *Political Resource Allocation, Controlled Agenda, and the Status Quo*, “Public Choice” 1978, vol 33, nr. 1, s. 27–43.

minority governments are mainly promoted by the advanced votes of confidence/investiture (Sweden – 74,2 %), less – advanced votes of confidence/investiture (Portugal – 40,9 %), the least cases are absence of vote of confidence (the rest of European systems of negative parliamentarianism – 30,9 %). And this proves the conclusions concerning the usage of the advanced distinctive marker of votes of investiture.

Thirdly, quite profound procedural significance in the context of applying votes of confidence (investiture) in the process of government formation belongs to the rules of decision making concerning the votes of confidence (investiture). As the scientists state, the votes of confidence/investiture are divided into positive and negative. Positive votes of investiture are ensured by the support of the qualified, absolute or relative parliamentary majority (including the “rule of majority”¹⁷), whereas negative votes of investiture – are characterized by support of negative (including the “rule of fewer than majority”) parliamentary majority (or by non-objecting absolute parliamentary majority, as there are no other cases for votes of investiture)¹⁸ (see Tables 1, 2, 3). As among European parliamentary democracies as a rule there are no systems of qualified majority for gaining the votes of confidence/investiture, then it is supposed that the strictest parliamentary rule is the system of absolute majority¹⁹.

Among all parliamentary democracies the most frequently minority governmental cabinets are formed in the systems, where negative rules as to the votes of confidence/investiture are standardized, that is within the systems where the votes of confidence/investiture must be supported by a negative majority or be non-objected by an absolute majority of deputies in the parliament or leading chamber of the parliament. It is peculiar of Portugal and Sweden, where the total/average frequency of minority government formation equals 60,4%.

¹⁷ T. Louwse, *Unpacking “positive” and “negative” parliamentarianism*, Paper presented at the workshop “The Evolution of Parliamentarism and Its Political Consequences» of the European Consortium of Political Research, Salamanca, April 10–15, 2014, s. 4.

¹⁸ T. Bergman, *Formation Rules and Minority Governments*, “European Journal of Political Research” 1993, vol 23, nr. 1, s. 57.; J. Cheibub, S. Martin, B. Rasch, *Investiture Vote and the Formation of Minority Parliamentary Governments*, Paper presented at the workshop on “The Importance of Constitutions : Parliamentarism, Representation, and Voting Rights”, Istanbul, October 23–25, 2013, 25 s.; J. Cheibub, S. Martin, B. Rasch, *To Invest or Not to Invest? Modes of Government Selection in Parliamentary Democracies and their Origins*, Paper prepared for presentation at the workshop on «The Evolution of Parliamentarism and Its Political Consequences», ECPR Joint Sessions of Workshops, Salamanca, April 10–15, 2014, s. 9.; T. Louwse, *Unpacking “positive” and “negative” parliamentarianism*, Paper presented at the workshop “The Evolution of Parliamentarism and Its Political Consequences» of the European Consortium of Political Research, Salamanca, April 10–15, 2014, s 3-4.; B. Rasch, *Institutional Foundations of Legislative Agenda-Setting*, [w:] S. Martin, T. Saalfeld, K. Strom (eds.), *The Oxford Handbook of Legislative Studies*, Wyd. Oxford University Press 2014, s. 455–480.; B. Rasch, S. Martin, J. Cheibub, N. Ajenjo, *Parliaments and Government Formation: Unpacking Investiture Rules*, Wyd. University of Oslo 2015.

¹⁹ J. Cheibub, S. Martin, B. Rasch, *Investiture Vote and the Formation of Minority Parliamentary Governments*, Paper presented at the workshop on “The Importance of Constitutions : Parliamentarism, Representation, and Voting Rights”, Istanbul, October 23–25, 2013, 25 s.; J. Druckman, M. Theis, *The Importance of Concurrence: The Impact of Bicameralism on Government Formation and Duration*, “American Journal of Political Science” 2002, vol 46, nr. 4, s. 760–771.; T. Louwse, *Unpacking “positive” and “negative” parliamentarianism*, Paper presented at the workshop “The Evolution of Parliamentarism and Its Political Consequences» of the European Consortium of Political Research, Salamanca, April 10–15, 2014, s. 3.

Table 2. Correlation of frequency of minority government formation in European systems of positive and negative parliamentarism and distinctive parameters of parliamentary votes of confidence/investiture in governments or their absence²⁰

Distinctive parameter of parliamentary vote of confidence/investiture	SPP (WE)		SPP (CEE)		SPP (E)		SNP (E)		EPD	
	NMG/ NAG, №	FMG, %	NMG/ NAG, №	FMG, %	NMG/ NAG, №	FMG, %	NMG/ NAG, №	FMG, %	NMG/ NAG, №	FMG, %
1	2	3	4	5	6	7	8	9	10	11
1. PARTICIPATION OF PARLIAMENT IN THE PROCEDURE OF VOTE OF CONFIDENCE/INVESTITURE AND FORMATION OF GOVERNMENTS (PRESENCE OF THE VOTE OF INVESTITURE)										
Yes	59/247	23,9	64/184	34,8	123/431	28,5	32/53	60,4	155/484	32,0
No	–	–	–	–	–	–	90/291	30,9	90/291	30,9
Total	59/247	23,9	64/184	34,8	123/431	28,5	122/344	35,5	245/775	31,6
2. TYPE OF PARLIAMENTARY VOTE OF CONFIDENCE/INVESTITURE										
Advanced	14/110	12,7	11/35	31,4	25/145	17,2	23/31	74,2	48/176	27,3
Subsequent	33/111	29,7	40/107	37,4	73/218	33,5	9/22	40,9	82/240	34,2
Advanced + subsequent	12/26	46,2	13/42	31,0	25/68	36,7	–	–	25/68	36,7
Absence of parliamentary vote of investiture	–	–	–	–	–	–	90/291	30,9	90/291	30,9
Total	59/247	23,9	64/184	34,8	123/431	28,5	122/344	35,5	245/775	31,6
3. RULE OF DECISION-MAKING CONCERNING THE PARLIAMENTARY VOTE OF CONFIDENCE/INVESTITURE										
Absolute majority	11/87	12,6	9/33	27,3	20/120	16,7	–	–	20/120	16,7
Relative majority	40/123	32,5	51/131	38,9	91/254	35,8	–	–	91/254	35,8
Absolute majority/Relative majority	8/37	21,6	4/20	20,0	12/57	21,1	–	–	12/57	21,1
Negative majority	–	–	–	–	–	–	32/53	60,4	32/53	60,4
Absence of the parliamentary vote of investiture	–	–	–	–	–	–	90/291	30,9	90/291	30,9
Total	59/247	23,9	64/184	34,8	123/431	28,5	122/344	35,5	245/775	31,6

²⁰ Key: SPP – systems of positive parliamentarism; SNP – systems of negative parliamentarism; EPD – European parliamentary democracies; WE – Western Europe; CEE – Central-Eastern Europe; NMG – number of minority governments; KBY – number of all governments; FMG – frequency of minority governments. On the contrary to other data and taking into account present statistics, the analysis was conducted as of April 2015, i.e. retrospectively of some governments, formed over April 2015 – December 2016.

Table 2 continuation

1	2	3	4	5	6	7	8	9	10	11
4. PERMISSIBLE NUMBER OF FORMING BODIES OR ALTERNATIVES TO GOVERNMENT'S FOR THE PARLIAMENTARY VOTE OF CONFIDENCE/INVESTITURE										
1	59/213	27,7	53/143	37,1	112/356	31,5	32/53	60,4	144/409	35,2
>1	0/34	0,0	11/41	26,8	11/75	14,7	–	–	11/75	14,7
Absence of the parliamentary vote of investiture	–	–	–	–	–	–	90/291	30,9	90/291	30,9
Total	59/247	23,9	64/184	34,8	123/431	28,5	122/344	35,5	245/775	31,6
5. RIGHT TO NOMINATE THE PRIME-MINISTERS/FORMING BODIES OR ALTERNATIVES TO GOVERNMENTS										
Head of the state	37/152	24,3	45/121	37,2	82/273	30,0	99/313	28,8	181/586	30,9
Head of the state and parliament (speaker of the parliament)	20/47	42,6	7/29	24,1	27/76	35,5	–	–	27/76	35,5
Head of the state and party groups/deputies	2/48	4,2	9/29	31,0	11/77	14,3	–	–	11/77	14,3
Parliament (speaker of the parliament)	–	–	3/5	60,0	3/5	60,0	23/31	71,0	26/36	72,2
Total	59/247	23,9	64/184	34,8	123/431	28,5	122/344	35,5	245/775	31,6
6. NUMBER OF ATTEMPTS TO OBTAIN PARLIAMENTARY VOTE OF CONFIDENCE/INVESTITURE										
2 attempts	–	–	14/21	66,7	14/21	66,7	–	–	14/21	66,7
3 attempts	0/34	0,0	26/85	30,6	26/119	21,8	4/10	40,0	30/129	23,3
4 attempts	–	–	0/4	0,0	0/4	0,0	23/31	74,2	23/35	65,7
Unprovided	59/213	27,7	24/74	32,4	83/287	28,9	5/12	41,7	88/299	29,4
Absence of the parliamentary vote of investiture	–	–	–	–	–	–	90/291	30,9	90/291	30,9
Total	59/247	23,9	64/184	34,8	123/431	28,5	122/344	35,5	245/775	31,6
7. EFFECT AFTER FAILURE OF PARLIAMENTARY VOTE OF CONFIDENCE/INVESTITURE										
New attempt to form government	54/164	31,1	11/38	28,9	65/202	32,2	5/12	41,7	70/214	32,7
Dissolution of parliament	5/49	10,2	30/81	37,0	35/130	26,9	27/41	65,9	62/171	36,3
Government under head of state (provisional government)/ dissolution of parliament	0/34	0,0	14/42	33,3	14/76	18,4	–	–	14/76	18,4
Unprovided	–	–	9/23	39,1	9/23	39,1	–	–	9/23	39,1
Absence of the parliamentary vote of investiture	–	–	–	–	–	–	90/291	30,9	90/291	30,9
Total	59/247	23,9	64/184	34,8	123/431	28,5	122/344	35,5	245/775	31,6

Źródło: H. Döring, P. Manow, *Parliaments and governments database (ParlGov): Information on parties, elections and cabinets in modern democracies: Experimental version*, źródło: <http://www.parl.gov.org/> [odczyt: 01.06.2017]

However, negative rules of decision-making concerning votes of confidence/investiture are inherent exclusively to the systems of negative parliamentarianism, where in such way minority governments are formed even more often, than in case of absence of formal requirements as to the votes of investiture (this concerns the rest of European systems of negative parliamentarianism, frequency of minority government formation equals 30,9%). Speaking of the systems of positive parliamentarianism minority governments are most frequently formed on the basis of the rules concerning the votes of confidence/investiture by an absolute parliamentary majority (in Western Europe (Greece, Ireland, Italy, Finland since 2000) – 32,5 % of minority governments, in Central-Eastern Europe (Bulgaria, Estonia, Latvia, Lithuania, Poland since 1997, Romania, Slovakia, the Czech Republic) – 38,9 % of minority governments, and in all European systems of positive parliamentarianism – 35,8 % of minority governments). Minority governments are less frequently formed within the systems where the synthesized variants of institutional rules of adopting the votes of confidence/investiture are regularized and approbated: at first by an absolute parliamentary majority, in case of failure – by a relative parliamentary majority. In the systems of positive parliamentarianism in Western European countries (Spain, Germany) the frequency of minority government formation in accordance with such rules of adopting the votes of confidence/investiture equals 21,6 %, in the systems of positive parliamentarianism in Central-Eastern European countries (Poland 1992-1997, Slovenia) is 20% and in all European systems of positive parliamentarianism is 21,1%. Finally, in total/on average among all European systems of positive parliamentarianism minority governments are the least frequent in case of applying the institutional rules of approving the votes of confidence/investiture in governments by an absolute parliamentary majority. In positive parliamentarianism in Western European countries (Belgium, Malta, France in 1945-1958) the frequency of minority government formation according to such rules equaled 12,6 %, in the systems of positive parliamentarianism in Central-Eastern European countries (Poland 1989-1992, Serbia, Hungary, Croatia, Montenegro) – 27,3 %, and in all European systems of positive parliamentarianism – 16,7%. In general it proves, that minority governments in case of formal requirements concerning parliamentary votes of investiture proportionally are more often formed in case of simplifying institutional bases concerning adoption of votes of investiture: from the systems of negative majority to the systems of absolute majority.

Fourthly, it is possible to speak of the side distinctive-procedural significance of institutional influence on minority government formation of such a marker in comparative analysis as permissible number of forming bodies or alternatives to governments for the parliamentary vote of confidence/investiture. In European democracies, where the parliamentary votes of confidence/investiture in governments are formalized, minority cabinets are more frequently (in the systems of positive parliamentarianism in Western and Central-Eastern Europe and in the systems of negative parliamentarianism in general) formed in case of existence of only one alternative to a forming body or one alternative to a cabinet. Frequency of minority government

formation in such cases is: within the systems of positive parliamentarism in Western Europe – 27,7 %, in the systems of positive parliamentarism in Central-Eastern Europe – 37,%, in all European systems of positive parliamentarism – 31,5 %, in all European systems of negative parliamentarism – 60,4 %, and in all European parliamentary democracies 35,2 % correspondingly.

Table 3. Rules of decision-making concerning the parliamentary vote of confidence/investiture in government and their approbation in European parliamentary democracies (1944–2016)²¹

Rule of decision-taking concerning the parliamentary vote of confidence/investiture in government	Mathematical representation of the rule of decision-taking concerning the parliamentary vote of confidence/investiture	Type of parliamentary democracy	Examples among European parliamentary democracies
System of absolute majority	$Y > (N + A)$	Positive parliamentarism	Belgium (since 1946), Spain (since 1977, first attempt of government formation), Malta (since 1962), Germany (since 1949, first and second attempt of government formation), Poland (1989–1992), Poland (1992–1997, first and second attempt of government formation), Serbia (since 2007), Slovenia (since 1990, first and second attempt of government formation), Hungary (since 1990), France (1945–1958), Croatia (since 2000), Montenegro (since 2006)
System of relative majority	$Y > N$	Positive parliamentarism	Bulgaria (since 1990), Greece (since 1974), Estonia (since 1992), Ireland (since 1944), Spain (since 1977, second attempt of government formation), Italy (since 1946), Latvia (since 1990), Lithuania (since 1990), Poland (1992–1997, third and fourth attempt of government formation), Poland (since 1997), Romania (since 1990), Slovakia (since 1990), Slovenia (since 1990, third/last attempt of government formation), Finland (since 2000, first and second attempt of government formation), the Czech Republic (since 1990)
«Rule of majority»	$Y1 > Yn$ for every n	Positive parliamentarism	Germany (since 1949, third/last attempt of government formation), Finland (since 2000, third/last attempt of government formation)
System of negative majority	$(Y + A) > N$	Negative parliamentarism	Portugal (since 1975), Sweden (since 1944)
«Rule of fewer than majority»	$Y > M (Y + N + A),$ $M < 0,5$	Positive parliamentarism	Greece (1952)
Absence of the parliamentary vote of confidence/investiture in government	–	Negative parliamentarism	Austria (since 1945), Denmark (since 1945), Iceland (since 1946), Luxembourg (since 1945), the Netherlands (since 1946), Norway (since 1945), the United Kingdom (since 1945), Finland (1945–2000), France (since 1958)

Źródło: T. Louwse, *Unpacking «positive» and «negative» parliamentarism*, Paper presented at the workshop «The Evolution of Parliamentarism and Its Political Consequences» of the European Consortium of Political Research, Salamanca, April 10–15, 2014, s. 5.

²¹ Key: Y – votes for vote of confidence/investiture in government; Y_n – votes for vote of confidence/investiture in alternative government n ; N – votes against vote of confidence/investiture in government; A – absent deputies and/or votes of those who abstained from vote of confidence/investiture in government; M – requirement to gain vote of confidence/investiture (in %).

Significantly less number (more than twice) of minority governmental cabinets are formed in case of more than one alternative to a forming body, or more than one alternative to a governmental cabinet. Total number of such minority governments in European parliamentary democracies is 14,7%: in the systems of positive parliamentarianism in Western Europe (Germany, Finland since 2000) such governments are absent, in the systems of positive parliamentarianism in Central-Eastern Europe (Estonia, Poland since 1997, Slovenia) – 26,8 %, in the systems of negative parliamentarianism such rules are not provided. It proves that minority governments in parliamentary democracies, which are characterized by the parliamentary votes of confidence/investiture, are rather deliberate, but not accidental decisions.

Fifthly, descriptive procedural significance of influence of votes of investiture on minority government formation (in particular in the context of the previous marker) includes such marker of analysis as a rule to nominate the prime-minister/forming body or alternative to the government. Among all European parliamentary democracies (systems of positive and negative parliamentarianism) minority governments are most frequently formed in those cases when the right to initiate governmental cabinets and nominate prime-ministers belongs only to the parliaments/leading chambers of the parliaments or speakers of the parliaments/leading chambers (Poland 1989–1992, Sweden). In such situation the frequency of minority governments is over 70% of all cabinets. Minority governments are formed much rarely in those cases when the right to nominate prime-ministers and alternatives to governments belongs both to the head of the state and speakers of the parliaments/leading chambers: totally in European parliamentary democracies and systems of positive parliamentarianism the frequency of minority government formation under such conditions is 35,5%; within the systems of positive parliamentarianism in the countries of Western Europe (Ireland, Spain, Finland since 2000) – 42,6 %; in the systems of positive parliamentarianism in the countries of Central-Eastern Europe (Estonia, Poland since 1992) – 24,1 %. Even less number of minority governments is formed when the right to nominate prime-ministers and alternatives to governments belong only to the head of states (even in the systems of negative parliamentarianism, where do not exist any parliamentary votes of confidence, whereas nominating for the position of the prime-minister/government by the head of the state means automatic government formation): totally in European parliamentary democracies it is 30,9 %; in European systems of negative parliamentarianism – 28,8 %; in European systems of positive parliamentarianism – 30 %; in the systems of positive parliamentarianism in the countries of Western Europe (Belgium, Italy, Malta, France 1945-1958) – 24,3 %; in the systems of positive parliamentarianism in the countries of Central-Eastern Europe Latvia, Lithuania, Romania, Serbia, Slovakia, Hungary, Croatia, the Czech Republic, Montenegro) – 37,2 %. Finally, the least common way to form minority government is when the right to nominate prime-ministers and governments belongs both to the head of states and party groups (factions)/deputies of the parliaments/leading chambers of the parliaments. In total in European parliamentary democracies and systems of positive

parliamentarianism the frequency of minority government formation under such conditions is 14,3 %; within the systems of positive parliamentarianism in the countries of Western Europe (Greece and Germany) – 4,2 %; in the systems of positive parliamentarianism in the countries of Central-Eastern Europe (Bulgaria, Slovenia) – 31 %. In general we may argue that there is no strict institutional connection between the initiators of government-forming processes and initiators of governmental cabinets and frequency of minority government formation in European parliamentary democracies, though it is possible to trace a tendency to the increase of number and frequency of minority governments in the systems, where in the context of government-forming processes prevail parliaments.

Sixthly, as the practice of European parliamentary democracies testifies, the frequency of minority government formation does not depend on such institutional predictor as a number of efforts to gain parliaments' vote of confidence/investiture by the expected government or forming body/prime-minister. For instance, the experience shows that minority governments are formed in those cases when there are only two constitutionally presupposed attempts to initiate a governmental cabinet (in other words two attempts of government-forming process), which may result in dissolution of the parliament. On the other hand, the same results are received in Sweden, where it has been approbated that minority governments are often formed when there are four constitutionally presupposed attempts to initiate a governmental cabinet (in other words four attempts of government-forming process), which also results in dissolution of the parliament. Generally, in such cases minority governments compose over 65% of all governmental cabinets. Controversial instances in European parliamentary democracies are shown by such institutional systems, where there are three attempts to initiate governmental cabinets: on average according to such scenario minority governments occupy 23,3 % of all governmental cabinets, specifically: in the systems of negative parliamentarianism – 40 %, whereas in the systems of positive parliamentarianism – 21,8 %; within the systems of positive parliamentarianism in the countries of Western Europe (Germany and Finland since 2000) – 0 %; in the systems of positive parliamentarianism in the countries of Central-Eastern Europe (Bulgaria, Estonia, Poland since 1997, Slovakia, Slovenia, the Czech Republic) – 30,6 %.

Seventhly, little prognostic significance for the frequency of minority government formation as well has such a descriptor of parliamentary votes of confidence/investiture as failures of votes of confidence/investiture, i.e. effects of government non-formation. In general, in European parliamentary democracies minority governments are most frequently formed when the anticipated result of failure in government-forming processes is dissolution of parliaments/leading chambers of parliaments (36,3 %), more rarely – when the anticipated result of failure in government-forming processes is beginning of new government-forming processes (32,7 %), and the least frequent are cases when the anticipated result of failure in government-forming processes is formation of provisional governments (18,4 %). However, determined conclusions are not fully exercised in the systems of positive and negative parliamentarianism. For instance,

in the systems of negative parliamentarism and Central-Eastern European systems of positive parliamentarism the “weight” of the anticipated consequences of government non-formation and their influence on minority government formation is lowering in the abovementioned order, whereas in Western European systems of positive parliamentarism and generally in the systems of positive parliamentarism – in the order from new attempts to form governments to dissolution of parliaments, as well as to formation of provisional governmental cabinets.

Drawing conclusions we argue that the influence of constructions of votes of confidence or investiture on minority government formation (as well as other types of governmental cabinets) is significant. It is revealed both in simple verification of how the constitutions and legislations in some countries regulate parliamentary votes of investiture in governmental cabinets and in determining an institutional design of the parliamentary votes of confidence/investiture as heterogeneous rules and procedures, which should not be always synthesized into integral analytical groups. Taking this into account, it becomes obvious that the presence or absence of votes of confidence/investiture and also their combinations and procedural patterns in different ways influence the frequency of government-forming processes, in particular formation of minority governments. Among such patterns we distinguish: participation or non-participation of the parliament in the procedure of vote of confidence/investiture and government formation (presence or absence of vote of investiture); type of parliamentary vote of confidence/investiture (advanced or subsequent); rules of taking decisions concerning the parliamentary vote of confidence/investiture in governmental cabinets (by absolute, relative or negative parliamentary majority); permissible number of forming bodies or alternatives to governments for parliamentary vote of confidence/investiture in government; the right to nominate prime-ministers/forming bodies or alternatives to governments; number of attempts to gain parliamentary vote of confidence/investiture; effects of failure in case of parliamentary vote of confidence/investiture.

However, verification of correlation of the outlined patterns of votes of confidence/investiture and frequency of minority government formation generally show that the institutional design of the votes of confidence/investiture does not mainly influence the frequency of minority government formation, though some patterns of votes of investiture are key in this context. In particular, crucial role belongs to the position according to which the institutional criterion of absolute majority as a rule for vote of confidence/investiture is insensible towards the frequency of minority government formation, as in some countries governments are formed not on the basis of absolute, but relative majority of deputies in the parliaments or leading chambers of the parliaments. It proves the research position that the processes of minority government formation is influenced not only by intra-parliamentary (party/inter-party) political attributes, but also by extra-parliamentary (constitutional and institutional) levers, in particular institutional relevance of competitive candidates for the prime-minister’s position, right to nominate candidates for the post of the prime-minister, peculiarities of finding the majority to actualize

the vote of investiture, way of voting for vote of confidence (investiture) in hypothetical/expected governmental cabinet (particularly, the prime-minister, composition or program of the governmental cabinet) and so on.

In parallel, J. Cheibub, S. Martin and B. Rasch²² suppose that the process of formation of different types of governments (in particular minority governments) in parliamentary democracies, i.e. democracies of “assembly/parliamentary confidence” is influenced not only by formalized and traditional parliamentary votes of confidence/investiture (or their absence) as well as their patterns and constructions, but also by other (some were mentioned above) institutional rules, which are incorporated in the parliaments/leading chambers of the parliaments. Among them are: role of the parliament/leading chamber of the parliament when selecting a governmental cabinet (forming body or prime-minister and composition of the governmental cabinet); number of chambers of the parliament, which are involved into the process of government election and formation, as well as the rules of decision making concerning the vote of confidence/investiture in governments in each of the chambers; political consequences and further actions if the governmental cabinet has not been elected or formed. However, they do not form the object of the current research and thus require additional analysis.

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²² J. Cheibub, S. Martin, B. Rasch, *To Invest or Not to Invest? Modes of Government Selection in Parliamentary Democracies and their Origins*, Paper prepared for presentation at the workshop on «The Evolution of Parliamentarism and Its Political Consequences», ECPR Joint Sessions of Workshops, Salamanca, April 10–15, 2014, s. 2.

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